

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCES KALENDER,

Plaintiff,

-against-

SKYE ASSOCIATES, LLC,

Defendant.
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| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>8/17/2020</u> |
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20-CV-2452 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on March 20, 2020 (Doc. 1), and filed an affidavit of service on March 23, 2020, (Doc. 5). The deadline for Defendant to respond to Plaintiff's complaint was April 14, 2020. (*See* Doc. 5.) Defendant failed to file an answer or otherwise appear in the case. On June 23, 2020, I issued an Order directing plaintiff to file a letter by July 23, 2020, indicating whether Plaintiff intends to seek a default judgment in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases. (Doc. 6.) I warned that if Plaintiff fails "to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." Plaintiff has failed to file a letter, request an extension, or otherwise indicate he intends to pursue this litigation. Accordingly, it is hereby:

ORDERED that the Plaintiffs Complaint is dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: August 17, 2020
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick
United States District Judge